

201707864

Aramis Ramos

On September 15, 2017, PO Aramis Ramos and his partner, both of the Emergency Services Unit, were parked running the engine in their ESS (Emergency Service Squad) truck in front of a residential building. Noxious gas from the exhaust was entering the building, and a resident came out to ask the officers to move the truck or turn off the engine. They refused. The man claimed that he asked for the officers' badge numbers and they refused to provide them. PO Ramos's partner stated that they were never asked for their badge numbers.

In his CCRB interview, under repeated questioning, PO Ramos stated that he was not working on the day in question. He had come to the CCRB with a memo book that stated "RDO" (regular day off) for the day. After consistently denying that he was working that day, he was provided with the ESU roster for that day, showing he was on duty. He then stated that he must have forgotten that he worked that day and simply written "RDO" in his memo book by mistake.

The CCRB found that PO Ramos made a false statement when he denied he had been working on the day of the incident. The NYPD did not discipline PO Ramos.

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nathan Winshall	Team: Squad #3	CCRB Case #: 201707864	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/15/2017 11:18 AM	Location of Incident: [REDACTED]	Precinct: 18	18 Mo. SOL 3/15/2019	EO SOL 3/15/2019	
Date/Time CV Reported Fri, 09/15/2017 2:20 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/22/2017 4:36 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Aramis Ramos	23183	§ 87(2)(b)	ESS 02
2. DTS Ethan Erlich	07638	§ 87(2)(b)	ESS 02

Officer(s)	Allegation	Investigator Recommendation
A . POM Aramis Ramos	Abuse of Authority: Police Officer Aramis Ramos refused to provide his shield number to § 87(2)(b).	A . § 87(2)(g)
B . DTS Ethan Erlich	Abuse of Authority: Detective Ethan Erlich refused to provide his shield number to § 87(2)(b).	B . § 87(2)(g)
C . DTS Ethan Erlich	Abuse of Authority: Detective Ethan Erlich threatened to arrest § 87(2)(b).	C . § 87(2)(g)
D . POM Aramis Ramos	Other: There is evidence suggesting Police Officer Aramis Ramos provided a false official statement in violation of PG 203-08.	D . § 87(2)(g)

Case Summary

§ 87(2)(b) filed this complaint with IAB via telephone on September 15, 2017. This complaint was received by the CCRB on September 22, 2017, via IAB log #2017-36468.

On September 15, 2017, at approximately 11:18 a.m., § 87(2)(b) was working as a doorman at § 87(2)(b) § 87(2)(b) in Manhattan, when he noticed that noxious fumes were entering the building. § 87(2)(b) looked outside and noticed that the fumes were coming from an ESU truck. § 87(2)(b) then approached the ESU truck and asked PO Aramis Ramos, of ESS 02, to turn off his truck (PO Ramos has since been promoted to Detective). PO Ramos stated that he was unable to turn it off and could not move it either. § 87(2)(b) then allegedly requested the shield numbers of PO Ramos and Det. Ethan Erlich, of ESS 02. PO Ramos allegedly did not respond and covered his shield with his hand and Det. Erlich allegedly laughed (**Allegation A: Abuse of Authority, § 87(2)(g); Allegation B: Abuse of Authority, § 87(2)(g)**).

Later, § 87(2)(b) the superintendent of the building for which § 87(2)(b) was the doorman, approached the ESU truck to ask the officers to turn it off. He spoke to Det. Erlich who stated that he could not move his vehicle and could not turn it off. § 87(2)(b) asked Det. Erlich to turn his vehicle off again and Det. Erlich allegedly told § 87(2)(b) that if he did not leave the officers alone, he would be arrested (**Allegation C: Abuse of Authority, § 87(2)(g)**). There were no arrests or summonses associated with this incident.

Video footage, found in IA 47, was obtained for the case; however, it did not capture any of the allegations and is not used in the analysis of the case.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Aramis Ramos refused to provide his shield number to § 87(2)(b)

Allegation (B) Abuse of Authority: Detective Ethan Erlich refused to provide his shield number to § 87(2)(b)

It is undisputed that PO Ramos and Det. Erlich were stationed outside § 87(2)(b) § 87(2)(b) in a running ESU truck, #5782. While doing so, noxious fumes were emitted from the engine of the truck and the gas seeped into the building, causing discomfort to many of the building's occupants. In response, § 87(2)(b) approached the passenger side of the ESU truck and spoke to PO Ramos, requesting that he turn the vehicle off or that he move it. PO Ramos explained that he could do neither as part of his assignment entailed keeping the engine running and remaining in that location.

§ 87(2)(b) stated that when he approached PO Ramos, PO Ramos was standing outside the ESU truck. After PO Ramos denied § 87(2)(b)'s request to either turn off the engine of the vehicle or to move the vehicle, § 87(2)(b) said, "Dude, you got a badge number?" When he said this, he was looking at PO Ramos; however, the question was intended for both PO Ramos and Det. Erlich, who was in the driver's seat. Initially, § 87(2)(b) stated that PO Ramos responded, "No;" however, later in his sworn statement, he stated that PO Ramos covered his shield with his hand and did not say anything, causing Det. Erlich to laugh.

§ 87(2)(b) did not witness this portion of the incident.

§ 87(2)(b) a resident of the building where § 87(2)(b) worked, saw § 87(2)(b) speaking to the officers but did not hear § 87(2)(b) request the officers' shield number (Board Review 09).

PO Ramos stated that when § 87(2)(b) approached him, he was sitting in the passenger seat of the ESU vehicle. PO Ramos denied ever being asked for his shield number and denied covering his shield or saying, “No,” to such a request.

Det. Erlich stated that no civilian asked him for his shield number and that he did not hear a civilian ask PO Ramos for his shield number. Det. Erlich did not deny a request for his shield number verbally or by covering his shield. Det. Erlich did not see PO Ramos cover his shield.

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Abuse of Authority: Detective Ethan Erlich threatened to arrest § 87(2)(b)

It is undisputed that after § 87(2)(b) implored PO Ramos to turn off or move the ESU vehicle, § 87(2)(b) approached Det. Erlich, who was sitting in the driver’s seat of the ESU vehicle. § 87(2)(b) spoke to Det. Erlich and requested that he move or turn off the ESU vehicle and Det. Erlich responded that he was unable to move or turn off the truck.

§ 87(2)(b) stated that he then asked Det. Erlich to turn off his engine and in response, Det. Erlich told § 87(2)(b) to leave the officers alone or they would arrest § 87(2)(b). Det. Erlich then went on to explain that no civilian was allowed to interfere with the officers because they were on a “very special mission.” § 87(2)(b) speculated that his repeated requests for the officers to move might be interpreted as an attempt to distract the officers from their “mission.”

§ 87(2)(b) initially stated that he could not hear the conversation that Det. Erlich and § 87(2)(b) had; however, he later stated that after the incident, § 87(2)(b) told him that an ESU officer had said to him, “Fuck off or you’ll be arrested.” § 87(2)(b) denied that an officer ever used profanity toward him; therefore, a discourtesy allegation was not pleaded.)

§ 87(2)(b) did not hear an officer threaten to arrest § 87(2)(b)

Det. Erlich stated that § 87(2)(b) asked Det. Erlich if he could move or turn off his vehicle. Det. Erlich responded by showing § 87(2)(b) all of the radios and equipment in the truck and explaining that they had to keep the truck running in order to ensure the radios and equipment stayed on. He then apologized to § 87(2)(b) for the smell the fumes were creating and § 87(2)(b) then walked away. He denied threatening to arrest § 87(2)(b) and added that § 87(2)(b) was not doing anything for which he could be arrested.

PO Ramos did not see Det. Erlich interact with § 87(2)(b)

§ 87(2)(g)

Allegation (D) Other Misconduct: There is evidence suggesting Police Officer Aramis Ramos provided a false official statement in violation of PG 203-08.

The CCRB recommends that the NYPD conduct further investigation as there is evidence to suggest that PO Ramos provided a false official statement. A spin-off case was referred to IAB via CCRB #201800595. The evidence is as follows:

In his memo book for September 15, 2017, PO Ramos wrote “RDO,” which stands for regular day off (Board Review 01). During his sworn statement to the CCRB, PO Ramos had the following exchange with Inv. Winshall of the CCRB: Inv. Winshall asked, “Directing your attention to September 15, 2017, what hours did you work?” PO Ramos replied, “I was off. RDO.” Inv. Winshall responded, “Okay, so then... I’m just going to keep going through the questions. With whom were you working?” PO Ramos responded, “No one.” Inv. Winshall asked, “Were you dressed in uniform or in plainclothes?” PO Ramos replied, “No.” Inv. Winshall asked, “Did you have a department issued phone on this day?” PO Ramos replied, “No.” PO Ramos was then shown the ESU Detailed Roster for the day of the incident, which lists him as being on duty and present at the incident location (Board Review 08). PO Ramos stated that this refreshed his memory and explained the discrepancy between his memo book and the Detailed Roster by stating that when he had gone to write in his memo book, he forgot what he had done on the day in question, so he just wrote, “RDO.”

Patrol Guide Procedure 203-08 states that all officers are strictly prohibited from intentionally making a false official statement, and are subject to disciplinary action, up to and including dismissal, for doing so (Board Review 02).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is § 87(2)(b) first complaint and § 87(2)(b) s second complaint with the CCRB (Board Review 03 and Board Review 04).
- In his 11 years as a member of the NYPD, PO Ramos has been the subject of eight other CCRB complaints, which generated 14 allegations, none of which have been substantiated. § 87(4-b), § 87(2)(g)
- In his 16 years as a member of the NYPD, Det. Erlich has been the subject of two other complaints, which generated three allegations, none of which have been substantiated or recommended for other misconduct. § 87(2)(g)

Mediation, Civil and Criminal Histories

- Mediation was offered to and rejected by § 87(2)(b) After providing a statement, § 87(2)(b) stated that he did not want any further involvement in the case.
- Neither § 87(2)(b) nor § 87(2)(b) has ever been convicted of a crime (Board Review 05 and Board Review 06).
- On January 24, 2018, the NYC Comptroller's office confirmed that § 87(2)(b) has not filed a Notice of Claim regarding this incident (Board Review 07).

Squad No.: 3

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date